

REMARKS

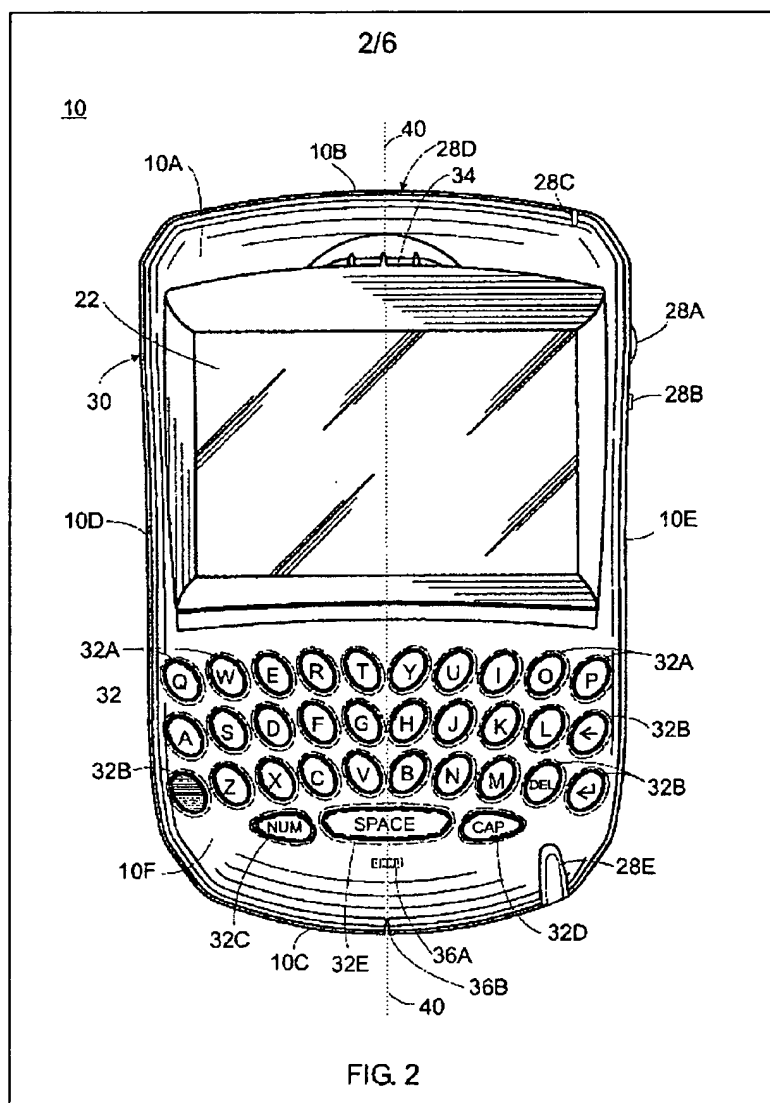
This Amendment responds to the Office Action dated July 26, 2004. A diligent effort has been made to respond to each of the rejections contained in the Office Action. It is believed that this Amendment overcomes those rejections and thus places this case in condition for allowance. Reconsideration is respectfully requested.

A. Claims 44-93 are Patentable Over The Cited Art

Claims 44-93 (excluding cancelled claim 46) describe a dual mode mobile communication device that is capable of sending and receiving voice communications when operating in a voice communication mode and is also capable of sending and receiving data communications when operating in a data communication mode. The device includes a single, integrated device housing having a front surface. The claimed single, integrated device housing does not include two or more hinged housing sections, i.e., it is not a "clamshell" design as described in the Background section of this application. (See, Background, page 2) The device includes two interfaces, a voice communication interface and a data communication interface. The voice communication interface includes a speaker, a display and a microphone, and is used for operating in the voice mode, e.g., by placing a phone call. The data communication interface includes the same display as the voice communication interface and also includes *a complete alphanumeric keyboard laid out in the QWERTY-style* for typing data into the device. The QWERTY keyboard is positioned within the front surface of the claimed single, integrated device housing. The data communication mode is used for sending text messages, e.g., an email message. The voice and data communication interfaces are configured in the device housing such that the speaker is positioned at the top of the device housing, the display is positioned

below the speaker and the QWERTY keyboard and the microphone are positioned below the display. The device is operable in either the voice mode or the data mode without reorienting the device.

Figure 2 of this patent application, set forth below, shows an embodiment of the invention as described in claim 44.



The device 10 shown in Figure 2 includes a single, integrated housing 10A and a *complete alphanumeric keyboard* 32 laid out in the QWERTY style. Note that this is not a

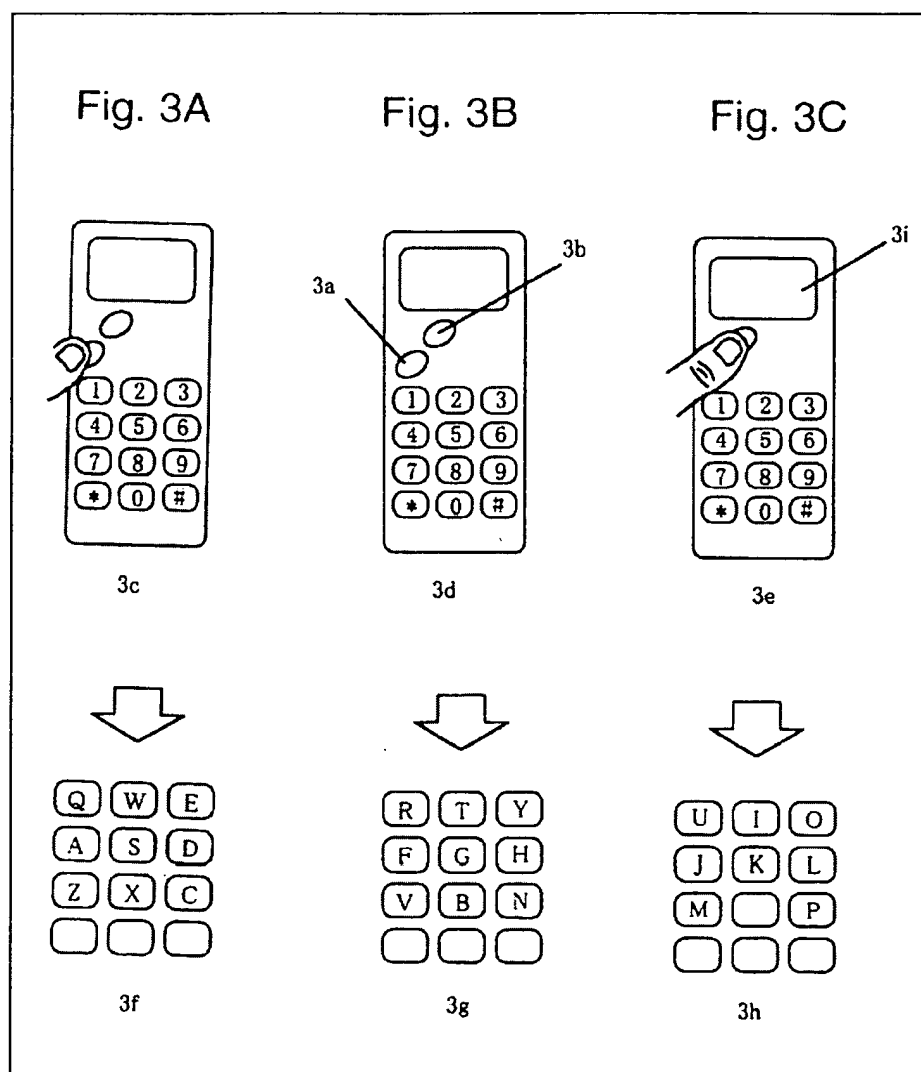
"clamshell" design, i.e., there are no hinged sections that form part of the housing as in the prior art devices discussed in the Background section of this application. In addition to the complete QWERTY keyboard, this single, integrated housing includes a speaker 34, a display 22, and a microphone 36A (or 36B). The speaker 34 is positioned at the top of the device housing 10A, the display 22 is positioned below the speaker 34, and the QWERTY keyboard 32 and the microphone 36A (36B) are both positioned below the display. The device 10 can be operated in either voice or data modes without having to reorient the device housing. The phrase "without having to reorient the device housing" means that the device can be used in either voice or data communication modes without having to rotate the device or without having to open a hinged portion of the device as in the "clamshell" designs discussed in the Background section of the application.

1. Rejections over Horie

Claims 44-45 and 47-93 were rejected under 35 USC 102(e) and 103 over Horie, alone for the 102(e) rejections, and in combination with several other references for the 103 rejections. These rejections are respectfully traversed.

Horie does not teach a QWERTY keyboard as recited in claim 44. Specifically, as now amended, claim 44 sets forth a ***complete alphanumeric keyboard laid out in the QWERTY style***. Figure 2 of the present application, set forth above, shows an exemplary QWERTY keyboard 32 of this type. As seen in Figure 2, the device 10 includes a complete, alphanumeric keyboard which may include a plurality of letter keys 32A – one letter key 32A for each of the 26 letters of the English alphabet shown in this exemplary embodiment – function keys 32B, a NUM lock key 32C, a CAP lock key 32D and a space bar key 32E. Although not all of these types of keys are required to read on claim 44, the distinction between the type of keyboard set forth in claim 44 is

most easily understood by comparing Figure 2 of the present application with Figures 3A-3C of the Horie patent, which are set forth below.



As seen in this figure, Horie does not disclose a mobile device having a complete alphanumeric keyboard laid out in the QWERTY style. Rather, Horie discloses a “virtual” or “imaginary” QWERTY keyboard utilizing three modified versions of the standard 12-key telephone keypad. In Horie, a user of the device selects pair of function keys 3a, 3b on the device to switch the standard 12-key telephone keypad between three separate alphabetic key assignments, a first assignment (3f) showing the letters Q, W and E in the first row of three keys,

a second assignment (3g) showing the letters R, T and Y in the first row of three keys, and a third assignment (3h) showing the letters U, I, and O. Thus, in Horie, only a sub-set of the 26 letters of the English alphabet can be selected at a given instant, and therefore it is not a complete alphanumeric keyboard.

This point is made in the Horie reference itself, which characterizes the keyboard arrangement as “virtual” or “imaginary”:

“A character input device which allows the user to input characters *in a virtual qwerty arrangement* on a mobile information or a palm-sized terminal.” (Horie, Abstract)

“According to the first and second embodiments, the present invention provides a character input device which has three switching functions, for example, as shown in FIG. 3B, . . . *to virtually reproduce the image of the qwerty arrangement on the character input device.*” (Horie, Col. 2, ll. 60-67)

“Assume now that a user inputs an address for an e-mail on a mobile terminal. First, the user *imagines the qwerty arrangement.*” (Horie, Col. 5, ll. 1-2)

Furthermore, the Horie reference itself teaches away from the kind of keyboard utilized in the present invention, going so far as to say that it cannot be employed in mobile communication devices:

“However, since small-sized character input device for use with a mobile telephone or the like encounters difficulties in accommodating keys for 26 alphabet letters, *the qwerty arrangement cannot be employed.*” (Horie, Col. 1, ll. 34-37)

Thus, not only does the device in Horie not utilize a complete alphanumeric keyboard of the QWERTY-style, but it specifically teaches away from using such a keyboard on a small mobile device, going so far as to state that it “cannot be employed.”

Therefore, for all of these reasons, it is submitted that claim 44, as amended, patentably distinguishes from Horie and an indication of allowability is respectfully requested. The

dependent claims 45 and 47-93 are also patentably distinct from Horie, alone and in the various combinations listed in the office action, for at least the same reasons as claim 44.

B. New Claims 94-103

New claims 94-103 depend from claim 44 and therefore these claims are allowable over Horie for at least the same reasons as that claim. Moreover, these new claims set forth additional subject matter that is not disclosed or suggested in Horie, and thus are independently distinguishable from Horie on that basis. Claims 94-97, for example, add features to claim 44 related to integrating personal information manager (PIM) functionality into the dual-mode device. And claims 98-103 add functionality related to the use of a serial port on the dual-mode mobile communication device for performing synchronization functions, and also for loading applications and encryption keys into the dual mode device.

C. Double Patenting Rejection

As already stated in the last Amendment in this case, Applicants respectfully traverse the obviousness-type double patenting rejection set forth in the office action. The Examiner's conclusion that the claims of the present application and the claims of the assignee's prior patents US 6,278,442 and US 6,452,588 are substantially similar is wrong.

Claim 44 of this application is directed to a **dual mode mobile communication device** having two modes of operation, a voice mode and a data mode. The claim further recites two interfaces, a voice communication interface and a data communication interface. The claim further recites that the device includes a **single, integrated device housing** in which both voice and data interfaces are configured. The claims of US 6,278,442 and US 6,452,588 are not

restricted to a dual mode device. Rather, the claims are directed primarily to various keyboard configurations for use in a data communication device. There is no mention in those claims of any voice communication interface. Thus, the claims of the present application and those of US 6,278,442 and 6,452,588 are not substantially similar. In fact, the claims are directed to different subject matter altogether. Thus, the obviousness-type double patenting rejection is faulty and should be withdrawn.

Respectfully submitted,

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A handwritten signature in black ink, reading "David Cochran", written over a horizontal line.

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